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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,310	06/24/2003	Alan J. Janis	13958/YOD ITWO:0062	9058

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EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,310

Applicant(s)

JANIS ET AL.

Examiner

Eric K Nicholson

Art Unit

3679

*NW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-17 and 19-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11-17,19-25 and 31-38 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Claim Rejections – 35 USC § 112**

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 depends from canceled claim 3, however for purposes of this office action claim 5 will be read as depending from claim 1. Correction is required.

**Claim Rejections – 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17,19,20,23,24 and 31-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 2,951,717 to Zaber. The Zaber aircraft air duct connector teaches and illustrates in figs. 1-6 all the features of the present

invention including a body 12, a first member 22 rotatably coupled to the body and a second member 19 non-rotatably connected to the body wherein rotation of the first member 22 in a tangential direction to the body (fig. 4) actuates the second member 19 from a first axial position (fig. 5) to a second axial position (fig. 6). Flanges 14 act as an integrated bearing structure supporting the first member. As to claims 31-35 the pin 11 provides a camming surface and slot 9 provides an engagement member engaged by the camming surface of the pin.

Claims 17,19,20,23,24 and 31-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,355,917 to Kofflin. The Kofflin aircraft air duct connector teaches and illustrates in figs. all the features of the present invention including a body 1, a first member 12 rotatably coupled to the body and a second member 6 non-rotatably connected to the body wherein rotation of the first member 12 in a tangential direction to the body (fig. 1) actuates the second member 6 from a first axial position to a second axial position. Portion 5 acts as an integrated bearing structure supporting the first member. As to claims 31-35 the pin 15 provides a camming surface and slot formed between portions 5 provide an engagement member engaged by the camming surface of the pin. As to claim 24 see gasket 10.

Claims 17,19,20,23,31-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,552,333 to Niemi. The Niemi air duct connector teaches and illustrates in all the features of the present invention including a body 10, a first member 1 rotatably coupled to the body and a second member 4 non-rotatably connected to the body wherein rotation of the first member 1 in a tangential direction to the body actuates the second member 4 from a first axial position (fig. 3) to a second axial position (fig. 6). As shown in fig. 1 there is a bearing arrangement on which member 1 pivots which acts as an integrated bearing structure supporting the first member. As to claims 31-35 the pin 2 provides a camming surface and slot 3 provides an engagement member engaged by the camming surface of the pin.

Claims 1,5-9,11,13-17,19-22,31 and 35-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,988,697 to Arosio. The Arosio duct connector teaches and illustrates in all the features of the present invention including a body 1, a first member 57 rotatably coupled to the body and a second member 47 non-rotatably connected to the body wherein rotation of the first member 1 in a tangential direction to the body actuates the second member 47 from a first axial position (fig. 3) to a second axial position (fig. 7). As shown in

fig. 2 there is a bearing arrangement 73 on which member 1 pivots which acts as an integrated bearing structure supporting the first member. The slot 60 2 provides a camming surface and pin 72 provides an engagement member engaged by the camming surface of the slot. While the connector of Arosio is not expressly stated to be used for preconditioned air, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,988,697 to Arosio in view of U.S. patent 5,927,355 to Kofflin. The Arosio connector, as noted above, teaches all the features of the present invention. However, the Arosio connector body is not disclosed to be made of plastic. Kofflin discloses that it is known in the art to provide a similar type coupling with a body composed of plastic (column 2, lines 60-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the body from well known plastic material as plastic is known to be lighter and hence more desirable and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

**Allowable Subject Matter**

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26-30 are allowable over the prior art of record.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

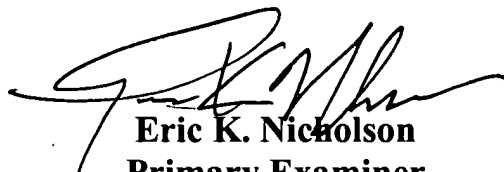
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ekn  
12-16-04



**Eric K. Nicholson**  
**Primary Examiner**  
**Technology Center 3600**